

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SEAN KOH and KOHERENT, INC., :

Plaintiffs, :

22-CV-6639 (JMF)

-v- :

ORDER

BONWOONG (BRIAN) KOO, et al., :

Defendants. :

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JESSE M. FURMAN, United States District Judge:

On December 27, 2022, Defendants filed two motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.


Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on November 22, 2022, ECF No. 29, Plaintiffs shall file any amended complaint by **January 17, 2023**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss. This deadline does not affect the deadline for the parties to submit a joint letter regarding the need for discovery on or before **January 10, 2023**.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motions to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within **three weeks**, and any reply shall be filed within **two week** of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiffs shall file any opposition to the motion to dismiss by **January 24, 2023**, and Defendants shall file any reply by **February 7, 2023**. See ECF No. 29.

SO ORDERED.

Dated: January 3, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge